

REMARKS

This amendment is responsive to the Office Action of November 26, 2008. Reconsideration and allowance of the claims 2, 3, and 5-11 are requested.

The Office Action

Claims 1, 2, 4, 5, and 7 stand rejected under 35 U.S.C. § 102 over Conturo ("Tracking Neural Fiber Pathways in the Living Human Brain").

Claims 3 and 6 were indicated as containing allowable subject matter.

Claims 4 and 7 stand rejected under 35 U.S.C. § 101.

35 U.S.C. § 101

Claim 6 has been amended to add a transformation, particularly storage in a computer memory or display on a display.

Claim 7 has been amended as suggested by the Examiner.

With these amendments, it is submitted that all claims now comply with the requirements of 35 U.S.C. § 101.

**The Claims Are In Condition
For Allowance**

Claim 3 which was indicated as containing allowable subject matter, has been placed in independent form including all of the subject matter of its parent claim 1. Accordingly, it is submitted that **claim 3 and claim 2 dependent therefrom** are now in condition for allowance.

Claim 6, which was also indicated as containing allowable subject matter, has been placed in independent form including all of the subject matter of its parent claim 4. Accordingly, it is submitted that **claim 6 and claim 5 dependent therefrom** are now in condition for allowance.

Claim 7 has been amended analogous to call for a user-selectable criterion. In Conturo, the 1 mm dimension is determined by the 1.0 mm grid of seed points (page 10422, right column) and is not disclosed as being user-selectable. Accordingly, it is submitted that **claim 7 and claim 8 dependent therefrom**

distinguish patentably over the references of record and are now in condition for allowance.

Claim 9 calls for a processor which is programmed to derive fibre tract data from diffusion images and to select fibre tract data which represents fibre tracts which meet a user-selectable minimum size criterion. **Conturo**, at page 10424, right column, does talk about a "trackability threshold in a 1.0 mm grid of seed points". However, it is submitted that this threshold is a resolution threshold and not a selection of fibre tract length.

More specifically, Conturo, at page 10422, right column, first full paragraph, addresses starting from a 1 mm grid of seed points covering the entire brain. At page 10423, right column, Conturo calls for each pixel to be 1.25x1.25x2.5 mm. Thus, the statement in Conturo on page 10424, right column, about the trackability threshold goes to the minimum resolvable fibre tract length with the given image data. That is, fibre tracts less than 1 mm cannot be resolved.

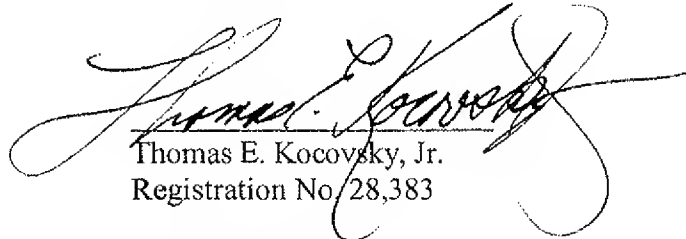
This portion of Conturo does not disclose or fairly suggest selecting from the derived fibre tract data, only the fibre tract data which represents fibre tracts that meet a user-selectable minimum size criterion. Accordingly, it is submitted that **claim 9 and claims 10 and 11 dependent therefrom** distinguish patentably and unobviously over the references of record.

CONCLUSION

For the reasons set forth above, it is submitted that claims 2, 3, and 5-11 distinguish patentably over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,



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